

## SOLID WASTE FEE LEGISLATIVE HISTORY

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### 2002

- **Virginia Waste Management Act.** § 10.1-1402.1. Permit fee regulations.
  - House Bill 1257, sponsored by Del. Dillard, added the following language which permitted a fee increase of up to 300 percent:
    - “6. THE BOARD SHALL PROMULGATE REGULATIONS ESTABLISHING A FEE SCHEDULE SUFFICIENT TO COVER NO MORE THAN TWENTY PERCENT OF THE DIRECT COST OF THE HAZARDOUS AND SOLID WASTE MANAGEMENT PROGRAMS BASED ON ALLOCATIONS MADE TO THESE PROGRAMS IN THE 2002 APPROPRIATION ACT; HOWEVER, NO INDIVIDUAL PERMIT FEE SHALL INCREASE MORE THAN 300 PERCENT OF THE FEE IN EXISTENCE ON JULY 1, 2002.”

### 2004

- **Virginia Waste Management Act.** § 10.1-1402.1:1. Annual fees for nonhazardous solid waste management facilities.
  - House Bill 1350, sponsored by Del. Orrock, and Senate Bill 365, sponsored by Sen. Watkins, added § 10.1-1402.1:1 which created an annual fee for nonhazardous solid waste management facilities, with sanitary landfills being assessed a fee based on their annual tonnage.

§ [10.1-1402.1:1](#). Annual fees for nonhazardous solid waste management facilities.

A. In addition to the permit fees assessed and collected pursuant to § [10.1-1402.1](#), the Board shall collect an annual fee from any person operating a sanitary landfill or other facility permitted under this chapter for the disposal, storage, or treatment of nonhazardous solid waste. The fees shall be exempt from statewide indirect cost charged and assessed by the Department of Accounts. Annual fees shall reflect the time and complexity of inspecting and monitoring the different categories of facilities. Any annual fee that is based on volume shall be calculated using the tonnage reported by each facility pursuant to § [10.1-1413.1](#) for the preceding year. The annual fee shall be assessed as follows:

1. Noncaptive industrial landfills		\$8,000
2. Construction and demolition debris landfills		\$4,000
3. Sanitary landfills shall be assessed a fee based on their annual tonnage as follows:		
Annual Tonnage	Base Fee	Fee per ton
over base fee		
Up to 10,000	\$ 1,000	

10,001 to 100,000	\$ 1,000	\$.09
100,001 to 250,000	\$10,000	\$.09
250,001 to 500,000	\$23,500	\$.075
500,001 to 1,000,000	\$42,250	\$.06
1,000,001 to 1,500,000	\$72,250	\$.05
Over 1,500,000	\$97,250	\$.04

4. Incinerators and energy recovery facilities shall be assessed a fee based upon their annual tonnage as follows:

Annual Tonnage	Fee
10,000 or less	\$2,000
10,001 to 50,000	\$3,000
50,001 to 100,000	\$4,000
100,001 or more	\$5,000

5. Other types of facilities shall be assessed an annual fee as follows:

Composting	\$500
Regulated medical waste	\$1,000
Materials recovery	\$2,000
Transfer station	\$2,000
Facilities in post-closure care	\$500

B. The Board shall by regulation prescribe the manner and schedule for remitting fees imposed by this section and may allow for the quarterly payment of any such fees. The payment of any annual fee amounts owed shall be deferred until January 1, 2005, if the person subject to those fees submits a written request to the Department prior to October 1, 2004. The selection of this deferred payment option shall not reduce the amount owed.

C. The regulation shall include provisions allowing the Director to waive or reduce fees assessed during a state of emergency or for waste resulting from emergency response actions.

D. The Board may promulgate regulations establishing a schedule of reduced permit fees for facilities that have established a record of compliance with the terms and requirements of their permits and shall establish criteria, by regulation, to provide for reductions in the annual fee amount assessed for facilities based upon acceptance into the Department's programs to recognize excellent environmental performance.

E. The operator of a facility owned by a private entity and subject to any fee imposed pursuant to this section shall collect such fee as a surcharge on any fee schedule established pursuant to law, ordinance, resolution or contract for solid waste processing or disposal operations at the facility.

(2004, cc. [249](#), [324](#).)

## 2010

▪ **HB 30 (SB 235):** Authority: Title 5.1, Chapter 1; Title 10.1, Chapters 11.1, 11.2, 12.1, 14, and 25; Title 44, Chapter 3.5; and Title 62.1, Chapter 20, Code of Virginia.

A. It is the intent of the General Assembly that balances in the Virginia Environmental Emergency Response Fund be used to meet match requirements for U.S. Environmental Protection Agency Superfund State Support Contracts.

B.1. The Waste Management Board shall adopt regulations pursuant to § 10.1-1402, Code of Virginia, to ensure that general funds shall not be required to cover the direct costs related to the issuance of all permits for the hazardous waste management program.

2. The Waste Management Board shall adopt regulations pursuant to §§ 10.1-1402 and 10.1-1402.1:1, Code of Virginia, to ensure that the total fees collected are sufficient to cover not more than 60 percent of the direct costs of (i) processing an application to issue, reissue, amend or modify permits, and (ii) performing inspections and enforcement actions necessary to assure the compliance with permits issued for any sanitary landfill and other facility for the disposal, treatment or storage of nonhazardous solid waste.

3. The regulations adopted by the Waste Management Board to initially implement the provisions of paragraph B.1 and B.2. of this item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia and shall become effective no later than July 1, 2010. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

4. The Department of Environmental Quality shall convene a representative group of stakeholders for the purpose of reviewing and making recommendations to the Secretary of Natural Resources and Chairmen of the Senate Finance and House Appropriations Committees concerning the appropriate solid waste fee structure for funding a portion of the department's direct solid waste program and **efficiencies in containing permit costs**. The department shall work in accordance with Executive Order 2 (2010) and make a final report no later than December 1, 2010.

## 2010 Virginia Waste Management Board, June 14<sup>th</sup> Meeting:

- (see attached)